

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yu et al. Examiner: Chunduru, Suryaprabha

Serial No.: 10/555,467 Group Art Unit: 1637

Filing Date: April 30, 2004 Atty. Docket No.: 2055.43

Title: Nucleic Acid Detection

Confirmation No.: 7542

Date: March 19, 2009

To: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Office Action (Restriction Requirement) mailed February 17, 2009. A response is required by March 19, 2009. Therefore, this response is timely filed.

In response to the Office communication (Restriction Requirement) mailed February 17, 2009, Applicants elect to prosecute Group II, consisting of claims 5-19 drawn to a method of nucleic acid detection. In response to the Examiner's requirement to elect one specific SEQ ID No. for examination, Applicants elect, with traverse, SEQ ID No. 1.

The Office Action alleges that each of the sequences can constitute independent and distinct inventions. Applicants traverse on the grounds that individual sequences cannot constitute independent and distinct inventions for the method claims that have been elected which are directed to a method for nucleic acid detection. For example, claim 5 recites the steps of nucleic acid isolation followed by nucleic acid amplification and subsequently Real Time PCR. Applicants respectfully submit that individual sequences cannot be independent inventions

Applicants: Yu et al.

Application Serial No. 10/555,46

Response to Restriction Requirement Mailed February 19, 2009

Atty. Docket No. 2055.043

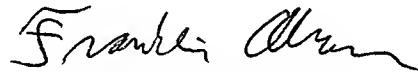
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for claims 5-19 because these claims are methods claims and an individual SEQ ID No. does not constitute a method. Applicants respectfully request consideration and withdrawal of the requirement to elect one specific SEQ ID No. for examination.

If the Examiner has any questions, or believes that a telephone conference would expedite prosecution of this application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

If any additional fees are due, or an overpayment has been made, the Commissioner is authorized to charge, or credit, U.S. Deposit Account No. 08-1935 for such sum.

Respectfully submitted,



Franklin S. Abrams
Reg. No. 43,457
Attorney for Applicants

Dated: March 19, 2009

HESLIN ROTHENBERG FARLEY & MESITI P.C.

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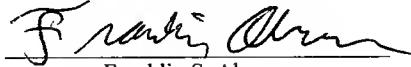
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Certificate of Transmission

I hereby certify that this correspondence is being submitted by electronic filing to: Commissioner for Patents, Alexandria, VA 22313-1450, on March 19, 2009.



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